

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CITY OF PHILADELPHIA et al.,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION et
al.,

Defendants.

Misc. Action No.: _____

Underlying Litigation:
19-CV 1608 (JMF) United States District
Court for the Southern District of New York

**DECLARATION OF J. CLAYTON ATHEY IN SUPPORT OF
MOTION TO TRANSFER, OR, IN THE ALTERNATIVE, MODIFY
DEFENDANTS' SUBPOENA TO EDELWEISS FUND, LLC**

I, J. CLAYTON ATHEY, declare as follows:

1. I am an attorney-at-law admitted to practice before this Court and a Director of the law firm of Prickett, Jones & Elliott, P.A., counsel for Movants in the above-captioned matter.
2. I submit this declaration in support of the motion to transfer, or, in the alternative, modify Defendants' subpoena to Edelweiss Fund, LLC filed by Plaintiffs The City of Philadelphia, the Mayor and City Council of Baltimore, and non-parties Quinn Emanuel Urquhart & Sullivan, LLP and Wollmuth Maher & Deutsch LLP.
3. Attached hereto as Exhibit 1 is a true and correct copy of the subpoena, dated November 19, 2021, that Defendants served on Bjorn Johan Rosenberg.
4. Attached hereto as Exhibit 2 is a true and correct copy of the subpoena, dated November 19, 2021, that Defendants served on Blue Rose Capital Advisors, LLC.
5. Attached hereto as Exhibit 3 is a true and correct copy of the subpoena, dated November 19, 2021, that Defendants served on Edelweiss Fund, LLC.

6. Attached hereto as Exhibit 4 is a true and correct copy of the Amended Consolidated Class Action Complaint filed on August 6, 2018 in *The City of Philadelphia et al. v. Bank of America Corporation et al.*, Case No. 19-cv-1608 (S.D.N.Y.) (the “Underlying Action”).

7. Attached hereto as Exhibit 5 is a true and correct copy of the First Set of Interrogatories to Plaintiffs served by Defendants Wells Fargo Bank, N.A., Wachovia Bank, N.A., Wells Fargo Funds Management, LLC, and Wells Fargo Securities LLC in the Underlying Action.

8. Attached hereto as Exhibit 6 is a true and correct copy of an email chain beginning with a January 11, 2022 email from Tamar Lusztig to Lauri Sawyer and several other recipients.

9. Attached hereto as Exhibit 7 is a true and correct copy of the First Set of Requests for the Production of Documents to Plaintiffs, served by Defendants in the Underlying Action.

10. Attached hereto as Exhibit 8 is a true and correct copy of the Second Set of Requests for the Production of Documents to Plaintiffs, served by Defendants in the Underlying Action.

11. Attached hereto as Exhibit 9 is a true and correct copy of an email chain beginning with an August 4, 2021 email from Thomas Lepri to Brandon Gould and several other recipients.

12. Attached hereto as Exhibit 10 is a true and correct copy of an email chain beginning with a January 20, 2022 email from Michael Conway to Thomas Lepri and several other recipients.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 1, 2022, at Wilmington, Delaware.

/s/ J. Clayton Athey

J. Clayton Athey (#4378)

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